IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.MC.No. 1077 of 2007()

(C.R.NO.23/2005 OF EXCISE RANGE OFFICE, VAMAPURAM, THIRUVANANTHAPURAM)

PETITIONER: ACCUSED NO. 1 AND 2

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1. RAJENDRAN, S/O.KRISHNAN,
KIZHAKKETHIL PUTHEN VEETTIL, KUDAPPANAKUNNU
VILLAGE, THIRUVANANTHAPURAM DISTRICT.

2. GANESH, S/O.CHANDRAN PILLAI,
SREE GANESH VEEDU, THEKKUMKARA DESOM,
KARIPOOR VILLAGE, NEDUMANGADU TALUK.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
VAMANAPURAM, THIRUVANANTHAPURAM DISTRICT,
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No.1077 Of 2007

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Dated this the 20th day of June, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007(1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.23/2005 of Excise Range Office, Vamanapuram, Thiruvananthapuram, against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

sj